IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 12TH MARCH 2007 / 21ST PHALGUNA 1928

Bail Appl..No. 1226 of 2007()

CMP.1420/2007 of J.M.F.C.-II,KOTTARAKKARA
C.R.NO.8/07 OF CHADAYAMANGALAM EXCISE RANGE

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: PETITIONERS/ACCUSED NO.3 TO 5

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1. SUDHEERKHAN, S/O MUHAMMED HANEEFA,
NEERAVIL PUTHEN VEEDU, CHEMPARAUVI,
PIRAVANTHOOR VILLAGE, PATHANAPURAM TALUK.

2. GOPINATHAPILLAI, S/O VASU PILLAI,
MULLANPARA PUTHEN VEEDU, MADHURACHERY,
MANKODE VILLAGE, KOTTARAKARA TALUK.

3. HASHIM, S/O MEERA SAHIB,
SABEENA MANZIL,MANKODE VILLAGE,
KOTTARAKARA TALUK.

BY ADV. SRI.PREMCHAND R.NAIR

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
EXCISE INSPECTOR, CHADAYAMANGALAM EXCISE RANGE,
REPRESENTED THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 1226 OF 2007

Dated this the 12th day of March, 2007

O R D E R

In this Petition filed under Sec. 439 Cr.P.C. the petitioners, who are accused Nos.3 to 5 in C.R. No.8 of 2007 of Chadayamangalam Excise Range for offences punishable under Secs.55(a) and (i) of the Abkari Act for having been found in possession of 37 liters of IMFL, seek their enlargement on bail. Petitioners were arrested on 10.2.2007.

2. I heard the learned counsel for the petitioners and the learned Public Prosecutor.

3. Having regard to the nature of the offences, the duration of judicial custody of the petitioners and the other circumstances of the case etc., I am inclined to grant bail to the petitioners from a future date. Accordingly, the petitioners are directed to be released on bail with effect from 21.3.2007 on each of them executing a bond for Rs.20,000/- (Rupees twenty thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M.-II, Kottarakara and subject to the following conditions:

a. Petitioners shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

b. The petitioners shall make themselves available for interrogation as and when required by the police till the filing of the final report.

c. The petitioners shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.

d. The petitioners shall not commit any offence while on bail.

If the petitioners commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.

This application is allowed as above.

(V. RAMKUMAR, JUDGE)

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